

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application Serial No. 09/837,562)
) Group Art Unit: 1623
 Filing Date: April 19, 2001)
) Examiner: Fonda, Kathleen Kahler
 For: Composition And Method For)
 Normalizing Impaired Or) Docket No: 12439.104US
 Deteriorating Neurological) (Formerly 12439.101B)
 Function)
) Paper No. 11
 Inventor: Edward Larry McCleary)

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence, along with all papers referred to as being transmitted, are being facsimile transmitted to the Patent and Trademark Office Fax No. (703) 308-4556.

December 13, 2002

Date

Elaine C. Von Spreckelsen

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BOX NON-FEE AMENDMENT
 ASSISTANT COMMISSIONER FOR PATENTS
 WASHINGTON, DC 20231

Sir:

This paper is responsive to the Office Action mailed November 14, 2002, hereinafter referred to as "the Office Action".

ELECTION

Applicant was required in the Office Action under 35 U.S.C. 121 to elect a single species (i.e., a specific "agent") disclosed for each of the ingredients (A) – (F) for prosecution on the merits. Applicant elects the following species: (A) B-vitamins; (B) ALA; (C) methyl donors; (D) huperzine A; (E) pyridoxine; and (F) vinpocetine. Claims 1, 2, 4, 6, 10 – 14, 24, 25, 27, 29, 33, 34 – 37, and 46 – 52 read on these species and are hereby elected.

REMARKS

The examiner has required an election of species and such an election has been made. It is however, believed that the generic claims 1 and 24 are allowable, and thus all claims should be allowable. That is, though the election of only 26 out of 52 claims has

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